

Friday, 23 August 1946

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INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Chambers of the Tribunal  
War Ministry Building  
Tokyo, Japan

PROCEEDING IN CHAMBERS

On an oral application for transfer  
of the accused OKAWA, Shumei from the Tokyo  
Imperial University Hospital to the Matsu-  
zawa Hospital for the Insane.

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Before:

HON. SIR WILLIAM WEBB,  
President of the Tribunal and  
Member from the Commonwealth of  
Australia.

Reported by:

Jack Greenberg  
Chief Court Reporter  
IMTFE

Appearances:

For the Prosecution Section:

Mr. FRANK S. TAVENNER, Jr.

For the Defense Section:

Mr. A. W. BROOKS, Counsel for  
the Accused OKAWA, Shumei.

For the Office of the General Secretary,  
IMTFE:

Mr. G. WALTER BOWMAN,  
Clerk of the Court

Mr. C. A. MANTZ,  
Deputy Clerk of the Court, and

W. H. ABRAMS, Major, USMCR,  
Assistant Legal Adviser to the  
General Secretary.

The proceedings were begun at 0900.

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THE PRESIDENT: What is this application, Mr. Brooks?

MR. BROOKS: Mr. President, this is an oral application for an order authorizing the transfer of OKAWA from the University Hospital to the Matsuzawa Hospital. The basis for it, of course, is the medical report from Dr. Uchimura who is Professor of Psychiatry in the Tokyo Imperial University and President of the Matsuzawa Hospital for the Insane; and the report is to the President -- addressed to the President.

It was called to my attention yesterday afternoon. The condition of the patient has been such, recently, that we have not been able to have him examined as set out in the order, I believe, of June 28 because of his very ill health; and he has this time become violent and has -- they have been forced to keep him under drugs and injections; and they want to put him in the Hospital for the Insane where he can be isolated. The treatments can be resumed in a short while as his condition improves.

As the report sets out, the syphilitic condition of the brain -- damage, they say, has been arrested. I have made arrangements from the Government for penicillin treatments; and I think that everything is being done, all by the Allied Government, in furnishing the drugs that are necessary to the Japanese doctors, and their equipment to treat the man and improve his condition. But he has, as pointed out in this report, been suffering from malaria; and he has also had, because of that, to suspend certain fever therapy that was being given him; and the tubercular condition of his lungs has been active; and, as I understood -- I don't know whether it is in this report or I got that from observation -- he was suffering from some type of tubercular pneumonia there for a while.

So, I asked several times when we could have this examination made. I have sent a letter of request to them to have this examination made as per the order I gave Mr. Tavenner. That was Order No. -- Paper No. 240, dated 28 of June. But, this time, the doctor is very anxious to have authority to transfer him to this other Hospital for the Insane where he can be isolated subject to



such security regulations as may be imposed by the Supreme Commander. He is not under guard; he is entirely under the custody of this doctor who is also, as set out in the application, President of this other hospital and has supervision over both places. It is just a matter of transferring him a few blocks to a different building, but he wanted to announce it to the Court so you could know where he was and have it as a matter of record that the request has been made and that he was in such and such a place.

THE PRESIDENT: I notice the doctor says "the process of brain damage is arrested at present, and it may be judged his condition is inclined to improve."

MR. BROOKS: Yes. I asked him about that; and he meant on that -- he said, his physical condition, of course. I said to him, on comment, that if there has been any damage to the brain or brain cells, I said, as I understand, a brain cell -- a brain tissue is never replaced and is a permanent impairment; and he said that that was true. I did that by letter, not by oral conversation. But I asked him if there was any hopes of his brain condition ever improving --

THE PRESIDENT: And the doctor says that his mental condition is not getting worse.

MR. BROOKS: No, it will not. In other words, he says, from my conversations with him, that his condition can be arrested, but it cannot be improved -- his mental condition; his physical condition can be improved. In other words, the syphilis -- traces of syphilis can be destroyed by these penicillin treatments; and certain other therapy that is given -- this fever therapy will tend to arrest any further deterioration.

THE PRESIDENT: "He needs quiet surroundings for the proposed treatment," and that is why the transfer is recommended.

MR. BROOKS: Yes, sir.

THE PRESIDENT: Well, you tender this report by the doctor?

MR. BROOKS: Yes, sir.

THE PRESIDENT: It will be exhibit one.

What is your attitude, Mr. Tavenner?

MR. TAVENNER: Your Honor, we see no objection to the transfer under the circumstances set forth in the report. We do desire, however, that a further examination be made at an early date to determine ultimately the question of his sanity and

his ability to continue as an accused in this case.

THE PRESIDENT: Well, subject to the requirements of the Supreme Commander, I authorize the transfer.

MR. BROOKS: Thank you, Mr. President.

(Whereupon, at 0910, the proceedings were concluded.)

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his ability to continue as an accused in this case.

THE PRESIDENT: Well, subject to the requirements of the Supreme Commander, I authorize the transfer.

MR. BROOKS: Thank you, Mr. President.

(Whereupon, at 0910, the proceedings were concluded.)

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